

EXHIBIT 444

Highly Confidential - Subject to Further Confidentiality Review

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

- - -

IN RE: NATIONAL	:	
PRESCRIPTION	:	MDL No. 2804
OPIATE LITIGATION	:	
<hr/>		Case No.
		1:17-MD-2804
THIS DOCUMENT RELATES	:	
TO ALL CASES	:	Hon. Dan A. Polster

- - -

Thursday, December 6, 2018

HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
CONFIDENTIALITY REVIEW

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Videotaped deposition of JASON BRISCOE, held
at the offices of Cavitch, Familo & Durkin,
1300 East Ninth Street, Cleveland, Ohio, commencing at
9:05 a.m., on the above date, before Carol A. Kirk,
Registered Merit Reporter and Notary Public.

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<p style="text-align: right;">Page 86</p> <p>1 diligence report, rather than just relying on</p> <p>2 this report spitting out five bottles versus</p> <p>3 five bottles of the monthly average over</p> <p>4 12 months. That's not good enough, and that's</p> <p>5 part of the reason why there's human involvement</p> <p>6 before that next step involving the store would</p> <p>7 be.</p> <p>8 Q. How many DDM pharmacies in the</p> <p>9 State of Ohio, 70?</p> <p>10 A. In Ohio?</p> <p>11 Q. Yes.</p> <p>12 A. Currently retail locations?</p> <p>13 Q. Yes.</p> <p>14 A. Seventy-four.</p> <p>15 Q. Seventy-four. And that number has</p> <p>16 stayed fairly consistent over the last 10 or</p> <p>17 15 years, correct?</p> <p>18 A. We've had some pretty strong</p> <p>19 conservative growth where -- in 2006, I bet we</p> <p>20 were in the low 60s as far as store numbers.</p> <p>21 Q. So 60, 70 pharmacies from 2006 to</p> <p>22 now?</p> <p>23 A. Mm-hmm.</p> <p>24 Q. And you asked me just Ohio. My</p>	<p style="text-align: right;">Page 88</p> <p>1 Q. Right.</p> <p>2 A. So if I -- if drug X had five NDCs</p> <p>3 but three of which that store purchased from our</p> <p>4 distribution center that month --</p> <p>5 Q. Mm-hmm.</p> <p>6 A. -- we would see all three NDCs in</p> <p>7 the associated package size and quantity.</p> <p>8 Q. All right. So what would trigger</p> <p>9 a store -- an order being placed on that report</p> <p>10 exceeding that average? I mean 10 percent,</p> <p>11 50 percent, 100 percent?</p> <p>12 A. 99 percent greater than the</p> <p>13 monthly average when calculated over the last</p> <p>14 12 months.</p> <p>15 Q. So essentially it would have to</p> <p>16 double?</p> <p>17 A. Yes.</p> <p>18 Q. How many pages were those reports</p> <p>19 typically?</p> <p>20 A. The way the green bar is</p> <p>21 printed -- I mean, if you're talking about</p> <p>22 number of sheets of paper --</p> <p>23 Q. Yeah.</p> <p>24 A. -- it would be one page for every</p>
<p style="text-align: right;">Page 87</p> <p>1 understanding is DDM just does business in Ohio.</p> <p>2 Am I mistaken?</p> <p>3 A. And my question for you was just</p> <p>4 retail locations.</p> <p>5 Q. Okay. But DDM only does business</p> <p>6 in Ohio, correct?</p> <p>7 A. You got it. Yes.</p> <p>8 Q. And the distribution center for</p> <p>9 the pharmaceuticals is in Ohio, correct?</p> <p>10 A. Yes.</p> <p>11 Q. And the pharmacies are all located</p> <p>12 in Ohio, correct?</p> <p>13 A. Yes.</p> <p>14 Q. All the organizational structure</p> <p>15 at the operational level is in Ohio?</p> <p>16 A. Yes.</p> <p>17 Q. All right. So -- now, the report,</p> <p>18 we -- that report, the average is just based on</p> <p>19 bottles?</p> <p>20 A. But it provides granularity to</p> <p>21 what is leading to that number. So if you were</p> <p>22 to look at the report, it would provide any NDC</p> <p>23 and associated package size within a drug</p> <p>24 family.</p>	<p style="text-align: right;">Page 89</p> <p>1 store followed by one blank page followed by the</p> <p>2 next store. So if there are 74 stores,</p> <p>3 148 pages.</p> <p>4 Q. All right. And how often would</p> <p>5 a -- frequency-wise would a store be on this</p> <p>6 report with an order that exceeded the previous</p> <p>7 12-month average by bottle by 99 percent?</p> <p>8 A. Tough for me to characterize your</p> <p>9 definition of "frequent." I mean, I would say</p> <p>10 very infrequent. I don't know how else to</p> <p>11 characterize that.</p> <p>12 Q. Meaning that it was not very -- we</p> <p>13 can -- it was not a regular occurrence for an</p> <p>14 order to be on the suspicious order monitoring</p> <p>15 report because it exceeded the previous 12-month</p> <p>16 average by bottle by 99 percent?</p> <p>17 A. Yeah. A large majority of the</p> <p>18 time, a large majority of our stores would have</p> <p>19 no instances by which a drug family would --</p> <p>20 would populate on this report.</p> <p>21 Q. Let's put it this way:</p> <p>22 DDM did not have a significant</p> <p>23 part of anyone's responsibility designed to</p> <p>24 monitoring and reviewing that report on a -- on</p>